

IN THE DRAWINGS

Reference numeral 900 and an accompanying leader line has been added to Figure 9A pointing to a ridge roller. Support is found in the originally filed application at least in the specification on page 13, lines 4-6. A replacement sheet showing Figures 9A and 10A is included with this response.

Reference numeral 1001 and an accompanying leader line has been added to Figure 10B pointing to a ridge roller. Support is found in the originally filed application at least in Figure 10A and in the specification on page 14 line 30 to page 15 lines 1-21.

In Figure 11A, "A-A" has been added pointing to the dashed line to designate a cut line of the photovoltaic strip 112 along dashed line A-A. In Figure 11C, "C-C" has been added pointing to the dashed line to designate a cut line of the photovoltaic strip 114 along dashed line C-C. A replacement sheet showing Figures 10B, 11A, 11B, and 11C is included with this response.

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REMARKS

Claims 1-31 were presented for examination. In the instant office action, various drawings and portions of the specification are objected to due to informalities listed on pages 2 and 3 of the office action. Applicant notes with appreciation that the office has renumbered claims 26-31 that were misnumbered as claims 22-27 in the originally filed application. Claim 12 is rejected based on 35 U.S.C. § 112 2<sup>nd</sup> paragraph reasons. Claims 1, 3, and 10-16 are rejected under 35 U.S.C. § 102(b) based on Knudson (U.S. Patent No. 4,546,586). Claims 2, and 6-9 are rejected under 35 U.S.C. § 103(a) based on Knudson in view of Nath et al. (U.S. Patent No. 5,092,939). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) based on Knudson in view of Nath et al. and further in view of Francovitch (U.S. Patent No. 4,674,244). Claims 17-27 are rejected under 35 U.S.C. § 103(a) based on Nath et al. in view of Knudson. Claims 28-31 are rejected under 35 U.S.C. § 103(a) based on Nath et al. in view of Knudson and further in view of Heath (U.S. Patent No. 3,992,847). Claims 1-31 are rejected on the ground of nonstatutory obviousness-type double patenting based on claims 1-17 of U.S. Patent No. 6,730,841 in view of Knudson.

IN THE DRAWINGS

The drawings have been revised, as listed hereinabove, to overcome objections listed on page 2 of the instant office action. A replacement sheet showing Figures 9A and 10A, and a replacement sheet showing Figures 10B, 11A, 11B, and 11C are included with this response. No new matter has been added.

IN THE SPECIFICATION

The specification has been revised, as listed hereinabove, to correct typographical errors and to overcome objections listed on page 3 of the instant office action. No new matter has been added.

IN THE CLAIMS

The effective claim numbers 1-31, including claims 26-31 renumbered by the office, are provided in this response in accordance with 37 CFR 1.126.

Claim Rejection - 35 U.S.C. § 112

Claim 12 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

Applicant has amended claim 12 to more succinctly claim the invention. Accordingly, applicant requests the removal of the § 112 rejection.

Applicant has also amended claims 1-6, 10-13, and 16-31. Applicant has cancelled claims 14 and 15 without prejudice. Therefore, applicant respectfully submits that the rejections to claims 14 and 15 are considered moot.

Applicant respectfully requests reconsideration of pending claims 1-13 and 16-31 in view of the foregoing amendments and the following remarks.

Support for the amendments is found in the specification and claims of the originally filed application. Accordingly, applicant submits that no new matter has been introduced by the foregoing amendments.

**Claim Rejections - 35 U.S.C. § 102(b)**

Claims 1, 3, and 10-16 are rejected under 35 U.S.C. § 102(b) based on Knudson (U.S. Patent No. 4,546,586).

Applicant respectfully submits that Knudson does not teach each and every limitation found in amended independent claim 1, and therefore claim 1 is allowable over Knudson. Because applicant has cancelled claims 14 and 15, the rejection to those claims is considered moot. Applicant submits that since claims 3, 10-13, and 16 depend from independent claim 1, claims 3, 10-13, and 16 are also allowable over Knudson for at least the same reasons as claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Referring to independent claim 1, as amended, the claim recites a method of mounting a flexible material onto a surface having the following limitations: "providing a first and a second elongated web of said flexible material; disposing said first and second webs on the surface in a longitudinally aligned relationship with one another, wherein a first edge of said first web abuts a first edge of said second web to form a longitudinal engagement point; securing at least one clamping strip onto the longitudinal engagement point without utilizing a mechanical fastener, said clamping strip adapted to secure the longitudinal engagement point in a stable position; and securing a batten cap over said clamping strip, wherein said batten cap contacts said first and second elongated webs in a manner to urge said first and second elongated webs toward each other."

Referring to Knudson, the reference discloses two sheet metal panels 11, 12 joined together to form a pair of upright sidewall portions 16, 17. An edge portion of each of the upright sidewall portions are formed so as to overlap and interlock with each other. See Knudson Figures 2, 4, 6, and 7. A fastening device (such as 37 in Figure 4) is then disposed over the interlocked upright sidewall portions. The fastening device includes an interior portion configured to

maintain the upright sidewall portions against each other. A batten cap (such as 38 in Figure 4) is then disposed over the fastening device. The batten cap is configured so it resists forces tending to pull the batten cap upward from the fastening device. (See Knudson Figures 3 and 4 and column 4, lines 39-46 "The batten cap 38 is in the form of a U-shaped member preferably made of sheet metal and has inturned end flanges 92 and 93. Legs 44 and 45 of the fastening device have oppositely disposed retaining grooves 59 and 62 into which the inturned end flanges of the batten cap extend when the batten cap is inserted to a down position to hold it against forces which tending to pull it upwardly from the fastening device 37.").

The present application discloses a more simple method of securing two flexible web portions together on a surface. The method does not entail folding and interlocking the flexible strips, or utilizing a fastener to secure the clamping strip. Additionally, the batten cap of the present application is configured to contact the flexible strips to urge them toward each other.

The batten cap of Knudson is configured to contact the fastening device in a manner to resist the batten cap from

being pulled away from the fastening device in an upward direction. The batten cap of Knudson is not configured to contact flexible webs in a manner so as to urge the webs together as recited in amended claim 1.

Therefore, because Knudson does not teach each and every limitation of amended independent claim 1, applicant respectfully submits that claim 1 is allowable over Knudson. Accordingly, applicant submits that since claims 3, 10-13, and 16 depend from claim 1, claims 3, 10-13, and 16 are also allowable over Knudson for at least the same reasons as claim 1.

**Claim Rejections - 35 U.S.C. § 103(a)**

Claims 2, and 6-9 are rejected under 35 U.S.C. § 103(a) based on Knudson (U.S. Patent No. 4,556,586) in view of Nath et al. (U.S. Patent No. 5,092,939). Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) based on Knudson in view of Nath et al. and in further view of Francovitch (U.S. Patent No. 4,674,244). Claims 17-27 are rejected under 35 U.S.C. § 103(a) based on Nath et al. in view of Knudson. Claims 28-31 are rejected under 35 U.S.C. § 103(a) based on Nath et al. in view of Knudson and further in view of Heath (U.S. Patent No. 3,992,847).

Applicant respectfully submits that amended independent claim 1 is allowable over Knudson as discussed above.



Additionally, amended claim 1 is allowable over the proposed combinations of Knudson, Nath et al., and Francovitch because the references do not teach or suggest, either individually or in any combination, each and every limitation found in claim 1. Accordingly, since claims 2, and 4-9 depend from claim 1, claims 2, and 4-9 are also allowable over the references for at least the same reasons as claim 1.

Additionally, applicant submits that amended independent claim 17 is allowable over the proposed combinations of Knudson, Nath et al., and Heath because the references do not teach or suggest, either individually or in any combination, each and every limitation found in claim 17. Accordingly, since claims 18-31 depend from claim 17, claims 18-31 are also allowable over the references for at least the same reasons as claim 17.

Applicant respectfully submits that with respect to claims 2, 4-9, and 17-31, both Nath et al. (U.S. Patent 5,092,939) and the instant application were, at the time of the invention of the instant application, subject to an obligation of assignment to the same organization.

Applicant respectfully submits that with respect to the § 103(a) rejections based on Nath et al. and in accordance with § 103(c), both the instant application and the application of Nath et al. were, at the time of the invention of the instant application, subject to an obligation for assignment to "United Solar Ovonic LLC." See the separate paper titled "STATEMENT OF AN OBLIGATION OF ASSIGNMENT TO THE SAME ORGANIZATION UNDER 35 U.S.C. §103(c)," submitted herewith this response to the instant office action. Thus, applicant respectfully submits that claims 2, 4-9, and 17-31 overcome the proposed combination of references cited in the § 103(a) rejections, and therefore claims 2, 4-9, and 17-31 are in a condition of allowance.

#### DOUBLE PATENTING

Claims 1-31 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent No. 6,730,841 in view of Knudson.

Applicant respectfully disagrees with the nonstatutory obviousness-type double patenting rejection.

Neither 6,730,841 nor Knudson, either individually or in combination, teach or suggest securing flexible strips using a simple method that incorporates a batten cap so formed as to urge overlapping portions of the flexible strips toward each other as disclosed and claimed in the present application. Both 6,730,841 and Knudson disclose much more complicated securing methods and neither reference even remotely shows or discusses securing the flexible webs on a surface using the simple method disclosed in the present application.

Since both references disclose methods for securing flexible webs that are vastly different compared to the disclosure of the present application, applicant requests that the examiner specifically show how the disclosures of 6,730,841 and Knudson lead to a conclusion that it would be obvious to one having ordinary skill in the art to modify 6,730, 841 and Knudson to secure the flexible webs on a surface as disclosed and claimed in the present application.

In the alternative, applicant submits that a terminal disclaimer in accordance with 37 CFR 1.321 is being submitted with this response to overcome the double patenting rejection for the pending claims 1-13 and 16-31.

It is believed that the foregoing amendments and remarks are fully responsive to the office action dated February 12, 2007. Accordingly, reconsideration and allowance of the present application are requested.

If there are any additional charges with respect to this amendment or otherwise concerning this application, please charge them to Deposit Account No. 05-1068.

Respectfully submitted,

By Frederick A. Krieger

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